

FILED

MAR 16, 2000

SUPREME COURT OF WISCONSIN

Cornelia G. Clark
Acting Clerk of Supreme Court
Madison, WI

In the Matter of the Amendment of
the Supreme Court Internal
Operating Procedures

ORDER
No. 00-03

The Supreme Court, on its own motion, has considered the advisability of amending its Internal Operating Procedures to provide for a committee independent of the court to assist the court in making appointments to various boards, committees, and other entities.

IT IS ORDERED that, effective the date of this order, Supreme Court Internal Operating Procedure IV is created to read:

IV. APPOINTMENT PROCESS

The Wisconsin Supreme Court, pursuant to statutory authority and the court's rules, regularly appoints lawyers and nonlawyer members of the public to various boards, committees, and other entities. In making those appointments, it is the court's objective to maximize the participation of lawyers and the public in the work of those entities. To avoid the appearance of favoritism or patronage in the appointment process, the court has created a committee independent of the court to assist in the process. The Appointment Selection Committee solicits and evaluates persons for appointment and nominates for the court's consideration the persons it determines are best qualified to serve. In evaluating the qualifications of persons interested in appointment, the Appointment Selection Committee applies the criteria established by the court for each of the entities to which appointment is made.

In order to ensure the integrity of the appointment process and avoid any perception that individual members of the court are interested or involved in the selection of specific individuals to be nominated by the Committee for appointment, the Appointment Selection Committee itself is not appointed by the court but by persons - lawyers and members of the public - designated not by name but by positions held in organizations related to the bar and state government. In this way, any perception that an individual member of the court is in a position to exert influence over any member of the Appointment Selection Committee or any of its decisions is obviated. No member of the court participates in the appointment process until after the Appointment Selection Committee has submitted nominations for specific appointment.

In making appointments, the court's objective is to provide quality and promote diversity on the boards, committees and other entities. The appointment procedure established by the court is designed to produce appointments based solely on the qualities of integrity, intelligence, experience and commitment.

A. Appointment Selection Committee

The Appointment Selection Committee (Committee) consists of the following 12 persons:

One attorney from the Milwaukee metropolitan area selected by the dean of the Marquette University Law School.

One attorney from outside the Milwaukee metropolitan area selected by the dean of the University of Wisconsin Law School.

The president of a county bar association located within the Eastern District of Wisconsin chosen by the court by lot, or his or her designee.

The president of a county bar association located within the Western District of Wisconsin chosen by the court by lot, or his or her designee.

The chair of the Family Law Section of the State Bar of Wisconsin, or his or her designee.

The chair of the General Practice Section of the State Bar of Wisconsin, or his or her designee.

The president of the Government Lawyers Division of the State Bar of Wisconsin, or his or her designee.

One former member of the Board of Attorneys Professional Responsibility or the Board of Bar Examiners who has not served within the preceding five years, chosen by the court by lot.

The chair of one of the district professional responsibility committees provided in SCR 21.08, chosen by the court by lot.

One nonlawyer member of the public designated by the Senate Co-Chair of the Legislative Council.

One nonlawyer member of the public designated by the Assembly Co-Chair of the Legislative Council.

One nonlawyer member of the public designated by the chair of the State Ethics Board.

To be eligible to serve on the Appointment Selection Committee, a lawyer must have practiced law for more than five years.

The term of a member is three years; the terms of the initial members are staggered by the court by lot to provide for the expiration of four members' terms each year.

Vacancies on the Appointment Selection Committee are filled by the persons identified above, respectively. Where the person is specified to be chosen by lot, a person is chosen by lot each time there is a vacancy in that position.

The Committee selects its chair at the first meeting of each calendar year. Staff support is provided to the Committee by a Supreme Court commissioner.

B. Meetings

The Committee meets at such times as considered necessary by its chair. The meetings are held at locations throughout the state so as to enable the greatest number of members to participate.

C. Nomination Procedure

1. *Notice of Vacancy.* Each board, committee and other entity to which the Supreme Court makes appointment of lawyers and nonlawyer members of the public notifies the clerk of the court as soon as practicable of appointments that need to be made. The clerk of the court notifies the Committee chair of those appointments.

2. *Information to and Solicitation of Interested Persons.* In addition to the information disseminated by the court regarding the appointment of lawyers and nonlawyer members of the public, the Committee publicizes the appointments to be made by such means as, in the Committee's discretion, will provide notice to the greatest number of persons likely to be interested in being appointed. To the extent it deems necessary, the Committee conducts in person information and solicitation sessions at locations throughout the state likely to produce qualified persons interested in being appointed.

3. *Resumes; Interviews.* The Committee invites persons interested in being appointed to submit a written resume of their qualifications. The Committee may personally interview those persons whose resumes demonstrate qualifications that appear to warrant a personal, confidential interview before the full Committee or any number of its members the Committee may designate.

4. *Nomination.* Not less than 30 days prior to the expiration of a term or other applicable date that requires an appointment by the Supreme Court, the Committee submits to the Supreme Court the names of the persons, not less than two, it nominates for appointment. If more than one position on a particular board, committee or other entity is to be filled by appointment at the same time, the Committee, in its discretion, may submit the number of names it considers appropriate for appointment to the positions generally or in respect to each position separately. Together with the nominations, the Committee submits to the court the resumes and other material it has considered regarding the persons nominated. The court may ask the Committee to submit additional nominations.

5. *Reappointment.* When a member of a board, committee or other entity is eligible for reappointment to a successive term, the Committee ascertains whether the member regularly attended meetings of the board, committee or other entity, made significant contribution to its work, and is willing to accept reappointment. If the member's participation has been satisfactory and the member is willing to accept reappointment, and the Committee nominates the member for reappointment to a successive term, it is unnecessary for the Committee to nominate other persons for appointment to the position. If the member's participation has been unsatisfactory or the member is not willing to accept reappointment, the Committee proceeds as in the case of an appointment.

6. *Criteria.* In determining the qualifications of persons for appointment, the Committee applies the criteria for the specific position established by the court from time to time and provided to the Committee in writing. The Committee may, with the approval of the court, apply additional specific criteria.

D. Reimbursement

Members of the Committee are reimbursed for travel, lodging and related expenses reasonably incurred in carrying out their duties.

IT IS FURTHER ORDERED that notice of this amendment of the Supreme Court Internal Operating Procedures be given a single publication of a copy of this order in the official state newspaper and in an official publication of the State Bar of Wisconsin.

Dated at Madison, Wisconsin, this 16th day of March, 2000.

BY THE COURT:

Cornelia G. Clark
Acting Clerk of Supreme Court